REMARKS

Responsive to the requirement for restriction, applicants elect Group I, claims 19-39, 42, 43, 64 and 67, with traverse.

It is believed that the requirement cannot properly be repeated, for the following reasons:

The claims directed to the intraocular lens and the method of making an intraocular lens were initially searched and examined as shown in the earlier prosecution of this application.

Subsequently, in the Official Action dated December 3, 2002, the Examiner took the position that the claims of Group II were initially present in the application in dependent form and subsequently drafted in independent form. That subject matter was nonetheless examined as the method claims were dependent from allowable claims directed to the intraocular lens.

It is now asserted that the claims of Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding technical features. Specifically, it is asserted that the claims of Group I do not have to be made by the particular process starts with a pre-form and then shaped.

There is first of all no requirement under PCT Rule 13.1 or 13.2 that the claims have to be the same in all respects. Experience shows that the method of making and corresponding

article claims are never exactly the same by the nature of the type of claim.

There is also no requirement under PCT Rule 13.1 or 13.2 that the claimed method need be the only method for making the article.

Further, applicants also do not agree with the allegation that the common technical feature of the lens and the method of making is not novel, in particular over VANDERBILT 5,326,506. That document fails to teach or suggest the structurally modified flexible material. Moreover, it is urged that the patentability or nonpatentability of the main feature of the claims is not relevant determination under PCT Rule 13.1 or 13.2. Indeed, examination of the claims would be necessary to determine whether or not claims directed to a method and resulting article had a common technical feature.

Restriction is not appropriate here because the claims of Group I and II are the intraocular and method of making of an intraocular lens which have "the same or corresponding special technical features" which here consists of the structural modification of the flexible material.

An amendment is made herewith to claim 44 whereby it recites the preparation of an intraocular lens and selective structural modification of the intraocular lens material to define at least one relatively rigid portion. The alleged

difference between the main method and article claims is therefore eliminated.

We have added a further dependent claim 66 which recites the preferred feature wherein a pre-form is first prepared and then the selective structural modification of the flexible material is carried out on the pre-form.

A further reason why restriction is not appropriate at this point, is that, a search of the claims already having been made in an action having been given on the merits of them, there is no further search work required to deal with all of the claims now in the case.

Still further, new claim 67 is a linking claim, exactly coextensive in scope with process claim 44 but directed to the intraocular lens and hence indivisible from claim 44.

In view of any or all of the reasons given above, therefore, it is believed that an action on the merits of all the claims should be given, and such is respectfully requested.

Please charge the fee of $18 for the two extra dependent claims added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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